

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

December 14, 2005

Clerk of Court

GERALD G. COTTON,

Plaintiff-Appellant,

v.

RICK LOONEY, Warden, LINDA
LYON, Unit Manager, A.
JARAMILLO, Sergeant, S. COOK,
Case Manager, CORRAL, Unit
Manager, and S. BACA, Case
Manager,

Defendants-Appellees.

No. 05-2254

(D. of N.M.)

(D.C. No. CIV 05-183 JB/LCS)

ORDER AND JUDGMENT*

Before **KELLY, O'BRIEN**, and **TYMKOVICH**, Circuit Judges.**

Plaintiff-Appellant Gerald G. Cotton, a state prisoner appearing pro se,
filed a civil rights complaint in the district court pursuant to 42 U.S.C. § 1983,

* This order is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders; nevertheless, an order may be cited under the terms and conditions of 10th Cir. R. 36.3.

** After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. *See* Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

alleging he was repeatedly denied access to the prison law library. The district court, in an order entered July 28, 2005, denied Mr. Cotton's claim for failure to meet the requirements of 42 U.S.C. § 1997e(a). According to the district court, Cotton failed to exhaust fully his administrative remedies, as required by the Prison Litigation Reform Act. *See Ross v. County of Bernalillo*, 365 F.3d 1181, 1190 (10th Cir. 2004) ("[T]he PLRA . . . requires inmates to exhaust fully all of their claims before filing in federal court."). The court therefore dismissed the complaint without prejudice.

We agree. For the reasons set forth by the district court, we DISMISS the appeal. We further remind Mr. Cotton that he remains obligated to continue making monthly payments to pay the appellate filing fee.

Entered for the court

Timothy M. Tymkovich
Circuit Judge